



Rep. Kelly M. Cassidy

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LRB098 08475 MRW 41609 a

1 AMENDMENT TO HOUSE BILL 1155

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1155, AS AMENDED, by  
3 inserting the following in its proper numeric sequence:

4 "Section 140. Firearm carry prohibition; amusement park.

5 (a) No person may knowingly carry a firearm into any gated  
6 area of an amusement park, or any adjacent property or parking  
7 lot area under control of or owned by an amusement park.

8 (b) The exemptions and provisions in subsections (a), (b),  
9 (f), (g-6), (g-10), (h), and (i) of Section 24-2 of the  
10 Criminal Code of 2012 apply to this Section.

11 (c) The United States Supreme Court in District of Columbia  
12 v. Heller, 554 U.S. 570, 128 S.Ct. 2783 (2008) has recognized  
13 that the Second Amendment to the United States Constitution  
14 does not confer an unlimited right and that states may prohibit  
15 the carrying of firearms in sensitive places. The Supreme Court  
16 stated in the Heller decision: "Although we do not undertake an  
17 exhaustive historical analysis today of the full scope of the

1 Second Amendment, nothing in our opinion should be taken to  
2 cast doubt on longstanding prohibitions on the possession of  
3 firearms by felons and the mentally ill, or laws forbidding the  
4 carrying of firearms in sensitive places such as schools and  
5 government buildings . . ." The Supreme Court also noted in a  
6 footnote referencing this statement in the Heller decision  
7 that: "We identify these presumptively lawful regulatory  
8 measures only as examples; our list does not purport to be  
9 exhaustive." This recognition was reiterated by the U. S.  
10 Supreme Court in McDonald v. the City of Chicago, 561 U.S.  
11 3025, 130 S.Ct. 3020 (2010), which incorporated the Second  
12 Amendment against state action. The Supreme Court again stated:  
13 "We made it clear in Heller that our holding did not cast doubt  
14 on such longstanding regulatory measures as "prohibitions on  
15 the possession of firearms by felons and the mentally ill,"  
16 "laws forbidding the carrying of firearms in sensitive places  
17 such as schools and government buildings . . . We repeat those  
18 assurances here." Further, the federal 7th Circuit Court of  
19 Appeals in Moore v. Madigan, 702 F.3d. 933 (7th Cir., 2012)  
20 cited the "sensitive place" statement of the Supreme Court in  
21 both the Heller and McDonald decisions and concluded: "That a  
22 legislature can forbid the carrying of firearms in schools and  
23 government buildings means that any right to possess a gun for  
24 self-defense outside the home is not absolute, and it is not  
25 absolute by the Supreme Court's own terms." Therefore, the  
26 General Assembly finds that the place or location set forth in

1 subsection (a) of this Section is a sensitive place and the  
2 prohibition on the carrying of firearms will promote public  
3 safety in this sensitive place.".